

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

PAUL ANDREW MITCHELL,)
a/k/a MITCHELL PAUL MODELESKI,)

Plaintiff,)

vs.)

NANCY DELL FREUDENTHAL, et al.,)

Defendants.)

Case No. 14-3460-CV-S-MDH-P

**ORDER GRANTING PLAINTIFF PROVISIONAL LEAVE TO PROCEED
IN FORMA PAUPERIS AND TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT OF WYOMING**

Plaintiff, who currently is confined at the United States Medical Center for Federal Prisoners in Springfield, Missouri, has filed *pro se* a civil rights action seeking relief under 31 U.S.C. §3730 (False Claims Act which sets out procedures for qui tam actions) for claimed violations of his federally protected rights by defendants located in the District of Wyoming.¹ Plaintiff states that he is “a Citizen of Washington State and Agent of the United States as Qui Tam Relator under the False Claims Act” and that he demands that defendants demonstrate by what authority they claim their offices as “U.S. District Judge, Clerk of Court, and Assistant United States Attorney in the District of Wyoming.” Plaintiff has moved for leave to proceed without the prepayment of fees or costs as allowed under 28 U.S.C. § 1915(a). Having reviewed plaintiff’s affidavit of poverty, the Court will grant him leave to proceed *in forma pauperis* subject to modification by the United States District Court for the District of Wyoming, where this case will be transferred.

¹ Plaintiff names the Honorable Nancy Dell Freudenthal, United States District Judge for the District of Wyoming; Stephan Harris, Clerk of the Court for the United States District Court for the District of Wyoming; L. Robert Murray, Assistant U.S. Attorney for the District of Wyoming, and John and Jane Does 1-100 as defendants. Plaintiff’s claims concern his federal criminal proceedings in *United States v. Modeleski a/k/a Mitchell*, Case No. 2:14-CR-00027-NDF-2.

Pursuant to the federal venue statute, 28 U.S.C. § 1391(b), venue for this case is proper only in the district where any defendant resides in the same state or in the district in which a substantial part of the events or omissions giving rise to the claim occurred. *See also* 31 U.S.C. §3732 (specifics of false claims jurisdiction). Most of the defendants apparently reside and the events giving rise to plaintiff's claims occurred in the District of Wyoming. *See* 28 U.S.C. § 131. In the interests of justice, this case will be transferred to the United States District Court for the District of Wyoming, where all rulings concerning the feasibility of a qui tam action can be made. *See* 28 U.S.C. § 1406(a).

Accordingly, it is **ORDERED** that:

(1) plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a); and

(2) this case is transferred to the United States District Court for the District of Wyoming pursuant to 28 U.S.C. § 1406(a).

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE

Springfield, Missouri,

Dated: November 5, 2014.